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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROYDENE BOUCK,
Plaintiff,

vs.

UNUM LIFE INSURANCE COMPANY
OF AMERICA, HSBC NORTH
AMERICA HOLDINGS, INC., HSBC
NORTH AMERICA HOLDINGS, INC.
EMPLOYEE DISABILITY PLAN,

Defendant.

Case No. 2:11-cv-00968-KJD-RJJ

**JOINT MOTION TO EXTEND DEADLINE
TO FILE JOINT DISCOVERY
PLAN/SCHEDULING ORDER AND
PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION TO DISMISS**

Defendant HSBC North America Holdings Inc.'s ("HSBC") and Plaintiff Roydene Bouck ("Plaintiff") file this Joint Motion to Extend the Deadline to file their Joint Discovery Plan/Scheduling Order and Plaintiff's Response to Defendant's Motion to Dismiss.

On June 14, 2011, Plaintiff, Roydene Bouck, a former employee of HSBC, filed a Complaint under ERISA §502(a)(1)(B) seeking disability income benefits allegedly owed her under policy of insurance. On January 4, 2012, HSBC filed its Motion to Dismiss Plaintiff's Complaint. Plaintiff's response to this Motion was originally due by January 21, 2012.

1 Plaintiff's counsel advised HSBC's counsel that HSBC was involved in the litigation
2 as Plaintiff was unable to determine whether she was entitled to any collateral employee
3 benefits from HSBC beyond disability benefits (i.e. health and/or life insurance, retirement
4 etc.) in the event she is found disabled in this litigation pursuant to the Unum policy. (See
5 Docket #18). As such, the parties stipulated to extend Plaintiff's response deadline to
6 HSBC's Motion to Dismiss until February 10, 2012 to allow HSBC additional time to
7 investigate whether Plaintiff would be entitled to any additional benefits should she be found
8 disabled. The Court granted this extension on January 20, 2012. (See Docket #19).

11 Since the January 20, 2012 Order, the parties have conferred and HSBC has
12 investigated the relevant issue, but needs additional time to determine whether Plaintiff is
13 entitled to any additional benefits. As such, the parties agreed to extend Plaintiff's response
14 to HSBC's Motion to Dismiss until February 24, 2012. (See Docket #23). The Court
15 granted this extension on February 10, 2012 (See Docket # 24).

17 Under the Court's order, the parties are required to file their Joint Discovery
18 Plan/Scheduling Order by February 18, 2012. February 18, 2012, being a Saturday, and
19 Monday, February 20, 2012 being a federal holiday, the Parties' Joint Discovery Plan and
20 Scheduling Order is due February 21, 2012.

22 The parties hereby notify the Court a mediation has been scheduled in this case for
23 March 6, 2012. The parties are hopeful this case will be resolved at this mediation; thereby
24 rendering the Joint Discovery Plan/Scheduling Order as well as Plaintiff's Response to
25 Defendant's Motion to Dismiss moot.

27 Therefore, good cause exists to extend the deadline to file a Joint Discovery
28

1 Plan/Scheduling Order as well as Plaintiff's Response to March 13, 2012. Discovery will
2 likely cause unnecessary expense to the parties at this time. If HSBC, Inc. does not provide,
3 or is not liable to pay any additional collateral employee benefits, and the only benefits at
4 issue are the disability from Unum, both HSBC Defendants may be dismissed without
5 prejudice from this action.
6

7 In the interest of judicial economy and efficiency, the Parties respectfully request an
8 extension of time to file their Joint Discovery Plan/Scheduling Order as well as Plaintiff's
9 Response pending HSBC's investigation regarding any additional benefits and the March 6,
10 2012 mediation. This extension should provide the parties with enough time to resolve this
11 case at mediation and/or provide HSBC adequate time to make a determination regarding
12 any collateral benefits and prevent any unnecessary discovery expense. The Parties have
13 conferred and consent to an extension of the deadline to file their Joint Discovery
14 Plan/Scheduling Order and Plaintiff's Response to Defendant's Motion to Dismiss.
15

16 Therefore, with good cause appearing and in the interest of judicial economy, the
17 undersigned parties jointly move to enter an order extending the deadline in which to file the
18 Joint Discovery Plan/Scheduling Order and Plaintiff's Response until March 13, 2012.
19

20
21 RESPECTFULLY SUBMITTED this 21st day of February, 2012.

22 /s/Aithyni K. Rucker, Esq.
23 Aithyni K. Rucker, Esq.
24 Attorney for Defendant

/s/ Scott E. Davis, Esq.
Scott E. Davis, Esq.
Attorney for Plaintiff

25
26 **IT IS SO ORDERED.**

27 
28 **UNITED STATES MAGISTRATE JUDGE**
DATED: February 22, 2012